

Message Text

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21

ORIGIN DLOS-07

INFO OCT-01 NEA-14 IO-14 ISO-00 CG-00 CIAE-00 DODE-00

PM-07 H-03 INR-10 L-03 NSAE-00 NSC-07 PA-04 RSC-01

PRS-01 SP-03 SS-20 USIA-15 AF-10 ARA-16 EA-11 EUR-25

ACDA-19 AEC-11 AGR-20 DOTE-00 FMC-04 INT-08 JUSE-00

OMB-01 TRSE-00 OIC-04 FEA-02 AID-20 CEQ-02 COA-02

COME-00 EB-11 EPA-04 NSF-04 SCI-06 /290 R

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NEA/EGY - MR. ANDERSON

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FM SECSTATE WASHDC

TO AMEMBASSY CAIRO

INFO AMEMBASSY KUWAIT

AMEMBASSY JIDDA

AMEMBASSY TEL AVIV

USMISSION USUN NEW YORK

C O N F I D E N T I A L STATE 115899

USUN FOR STEVENSON; BANGKOK FOR OXMAN

E.O. 11652: GDS

TAGS: PBOR, EG

SUBJECT: LOS: CONSULTATIONS IN CAIRO

SUMMARY: JOHN NORTON MOORE, DEPUTY SPECIAL REPRESENTATIVE OF PRESIDENT FOR LOS CONFERENCE, HELD DETAILED DISCUSSIONS ON LOS WITH AMBASSADOR ABDUL HAMID OF GOE. HAMID STRESSED EGYPT'S MAIN CONCERNS IN NEGOTIATIONS WERE STRAITS AND BOUNDARY DELIMITATION ISSUES. HAMID URGED U.S. MODIFY CONFIDENTIAL

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STRAITS POSITION, ACCEPT EXCLUSIVE ECONOMIC ZONE 200 MILES, PERMIT EXPLOITATION BY DEEP SEABED AUTHORITY; AND WORK FOR MEDIAN LINE PRINCIPLE ON SEABED BOUNDARY ISSUE. DISCUSSION INDICATED SOME POSSIBILITY OF RESOLUTION OF

STRAITS ISSUE WITH EGYPT IF STRAITS CONNECTING HIGH SEAS TO TERRITORIAL SEAS OF FOREIGN STATES TREATED AS UNDER-EXISTING LAW WITH NON-SUSPENDABLE INNOCENT PASSAGE RATHER THAN INCLUDED IN NEW UNIMPEDED TRANSIT ARTICLES. DISCUSSION ALSO DEMONSTRATED POSSIBILITY OF RESOLUTION OF MARINE POLLUTION ISSUE BY SPECIAL AREA APPROACH FOR RED SEA AND MEDITERRANEAN. END SUMMARY.

1. MOORE ACCOMPANIED BY DEL MEMBERS ESKIN AND DUGGER AND EMBOFF KORMAN MET WITH SHAFIE ABDUL HAMID, CHIEF OF LEGAL DIVISION, MFA AND HOUSNI, COUNSELLOR IN LEGAL DIVISION. HAMID LATER HOSTED LUNCH FOR MOORE, U.S. AMBASSADOR AND MEMBERS U.S. LOS DEL.

2. STRAITS, MOORE OUTLINED U.S. TENTATIVE THINKING ON POSSIBLE EXCLUSION CERTAIN STRAITS FROM UNIMPEDED TRANSIT REGIME, I.E. EXCLUSION OF STRAITS BETWEEN ISLANDS AND MAINLAND UNDER SAME SOVEREIGNTY WHERE EQUALLY SUITABLE ALTERNATIVE HIGH SEAS ROUTE EXISTS AND STRAITS BETWEEN HIGH SEAS AND TERRITORIAL SEA OF ANOTHER STATE IN WHICH REGIME OF NON-SUSPENDABLE INNOCENT PASSAGE WOULD APPLY. HAMID OBSERVED THAT THERE ARE QUOTE PROGRESSIVE END QUOTE ELEMENTS IN SOVIET PROPOSAL - NOT ONLY EXCLUSION OF STRAIT BETWEEN HIGH SEAS AND TERRITORIAL SEAS BUT ALSO BECAUSE PROPOSAL TAKES INTO CONSIDERATION SECURITY CONCERNS OF STRAIT STATES. IN THIS CONNECTION, HE VIEWED AS QUOTE POSITIVE ELEMENT END QUOTE U.S. WILLINGNESS TO CONSIDER FLAG STATE OBLIGATION NOT USE FORCE AGAINST STRAIT STATE IN VIOLATION ARTICLE 2 (4) OF UN CHARTER. DURING PROLONG-ED DISCUSSION HAMID ASKED FOR U.S. VIEWS IN WRITING ON POSSIBLE EXCLUSION FROM FREE TRANSIT ARTICLE OF STRAITS FROM HIGH SEAS TO TERRITORIAL SEAS OF FOREIGN STATES. HAMID STATED THAT ON RECEIPT OF U.S. WRITTEN PROPOSAL HE WOULD RECONSIDER VIEWS ON STRAITS ISSUE. HE SAID ANY CHANGE OF GOE STRAITS POSITION WOULD REQUIRE NEW INSTRUCTIONS AND HE THEREFORE NEEDED PROPOSAL IN WRITING. HAMID, HOWEVER, SUBSEQUENTLY PRIVATELY COMMUNICATED HE DID NOT CONFIDENTIAL

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WANT SUCH A PROPOSAL IN WRITING AS IT WOULD LIMIT HIS FREEDOM OF ACTION.

3. HAMID TENDED TO DISMISS OVERFLIGHT QUESTION AS NOT BEING OF GREAT IMPORTANCE TO U.S. AND TREATED IT AS ALREADY SETTLED ALONG CONSENT LINES, SAYING THAT SOVIETS HAD INDICATED THEY WERE NOT DETERMINED ON THIS ISSUE. MOORE EMPHASIZED THAT OVERFLIGHT WAS CRITICAL ELEMENT OF U.S. TRANSIT PROPOSAL.

4. HAMID STATED THAT HEART OF STRAITS QUESTION CONCERNS SUBMERGED TRANSIT. DURING DISCUSSION SUBMERGED TRANSIT IT WAS CLEAR THAT HAMID UNDERSTOOD IMPORTANCE OF SUBMERGED

TRANSIT TO BOTH U.S. AND USSR. HAMID URGED, HOWEVER, THAT SOME COMPROMISE BE FOUND. HE SEEMED TO ACCEPT THAT CONSENT OF COASTAL STATE FOR SUBMERGED TRANSIT WAS OUT OF QUESTION BUT ARGUED THAT NOTIFICATION OF SUCH TRANSIT SHOULD BE ACCEPTABLE. MOORE AND DUGGER MADE CLEAR THAT OBLIGATORY SURFACED TRANSIT AND NOTIFICATION UNACCEPTABLE TO U.S. HAMID RETURNED TO STRAITS QUESTION AT END OF MEETING, SAYING THAT USSR WAS IN BETTER BARGAINING POSITION ON ISSUE THAN U.S. BECAUSE IT HAS ATTEMPTED TO MEET COASTAL STATE SECURITY CONCERNS. HAMID DID NOT ELABORATE ON

THIS POINT.

5. MOORE PRESENTED U.S. VIEWS ON COASTAL RESOURCE ISSUES; THERE WAS LITTLE DISCUSSION OF MINERAL RESOURCE QUESTION ON WHICH THERE WAS NO IMPORTANT DIFFERENCE OF VIEW, ON

FISHERIES, HOWEVER, HAMID SEEMED TROUBLED BY U.S. POSITION

ON PREFERENTIAL RATHER THAN EXCLUSIVE COASTAL STATE RIGHTS TO FISHERY RESOURCES IN ECONOMIC ZONE. HE CHARACTERIZED THIS AS A MOVE BACKWARD ON PART OF U.S. HAMID ARGUED THAT IT WAS GENERAL VIEW AMONG LDC'S THAT ON FISHERIES U.S. CONCERN WAS TO HAVE SPECIAL TREATMENT FOR TUNA AND SALMON ONLY. LDC'S WERE ATTEMPTING TO MEET U.S. INTERESTS ON BOTH THESE POINTS (AS REFLECTED IN KENYA-INDIA-CANADA FISHERIES ARTICLES) BUT INSISTENCE BY U.S. ON PREFERENTIAL RIGHTS AND RIGHT OF OTHER STATES TO FISH IN ECONOMIC ZONE
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WAS NEW ELEMENT. HE GAVE IMPRESSION THAT HE THOUGHT AFRO-ASIAN GROUP MIGHT BE ABLE TO ACCEPT PREFERENTIAL CONCEPT BUT THAT IT WOULD BE REJECTED BY LATIN AMERICANS TOTALLY; MOORE POINTED OUT THAT THIS CONCEPT HAD ALWAYS BEEN PART OF U.S. FISHERIES PROPOSAL AND THAT IT WAS STRONGLY IN THE INTEREST OF THE MANY COASTAL STATES, INCLUDING AFRICAN STATES, WITH TRADITIONAL FISHING ELSEWHERE TO HAVE

PREFERENTIAL RATHER THAN EXCLUSIVE RIGHTS.

6. HAMID ASKED WHY U.S. COULD NOT ACCEPT 200-MILE ECONOMIC ZONE. HE READ EXCERPT FROM DIPLOMATIC NOTE FROM USSR IN WHICH USSR AGREED TO ACCEPT 200-MILE LIMIT. HE URGED U.S.; TO ACCEPT THIS LIMIT AND ARGUED THAT NO ONE WOULD MAKE CONCESSIONS U.S. WANTED UNTIL U.S. TOOK THIS IMPORTANT STEP. HAMID ALSO ASKED ABOUT TRUTH OF AP STORY THAT U.S. AND USSR HAVE AGREED ON PACKAGE OF 12-MILE TERRITORIAL SEA AND 200-MILE ECONOMIC ZONE. MOORE POINTED OUT IN RESPONSE, IF SPECIFIC CONDITIONS MET U.S. COULD ACCEPT BROAD COASTAL STATE RESOURCE JURISDICTION ADJACENT TO TERRITORIAL SEA. THIS WAS A POSITION U.S. HAD ESPOUSED PRIOR TO RECENT SOVIET SHIFT.

7. MOORE DESCRIBED U.S. PROPOSALS ON MARINE POLLUTION. AFTER CONSIDERABLE DISCUSSION, HAMID APPEARED TO ACCEPT PRINCIPLE THAT THERE SHOULD BE INTERNATIONAL, RATHER THAN COASTAL-STATE, VESSEL SOURCE POLLUTION STANDARDS. HE ACCEPTED FLAG STATE AND PORT STATE ENFORCEMENT BUT INSISTED THAT THERE SHOULD BE COASTAL STATE ENFORCEMENT AS WELL. HAMID REPEATEDLY AVOIDED ANY REPLY TO ARGUMENT OF HAZARDS TO INTERNATIONAL NAVIGATION FROM ARBITRARY ENFORCEMENT BY COASTAL STATES. MOORE POINTED OUT POSSIBLE

CONSEQUENCES FOR EGYPT, AS ZONE-LOCKED STATE, OF COASTAL STATE ENFORCEMENT. HAMID ARGUED THAT WE HAD TO ASSUME FAIR AND EQUITABLE POLICIES BY COASTAL STATES IN EXERCISING THEIR RIGHTS. MOORE POINTED OUT THAT EGYPT'S POLLUTION CONCERNS MIGHT BEST BE MET BY INTERNATIONAL AGREEMENT ON MEDITERRANEAN AND RED SEA AS SPECIAL AREAS AS UNDER 1973 DRAFT IMCO CONVENTION. HAMID DID NOT RULE OUT SPECIAL AREA APPROACH TO MEETING EGYPT'S NEEDS. AT LUNCH
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HAMID CONTINUED HIS ATTACK ON IMCO SAYING IT WAS NOT A GOOD FORUM FOR LDC'S. IN RESPONSE MOORE POINTED OUT HAMID AND LDC'S HAD BEEN QUITE ACTIVE DURING LONDON CONFERENCE AND HA

<< END OF DOCUMENT >>

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